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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,741	12/21/2000	Sture Roos	2483-26	5607

7590 04/23/2004

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EXAMINER

BAYARD, EMMANUEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/741,741

Applicant(s)

ROOS, STURE

Examiner

Emmanuel Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6-8.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the station side" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-3 and 9-11 are likewise rejected because they depend on a base rejected claim.

4. Regarding claim 1, the phrase "high speed modems" is recited in lines 7 and 9, respectively. Since they appears to be different, applicant is suggested to replace "high speed modems" in line 9 as ---second high speed modem---.

***Specification***

5. The abstract of the disclosure is objected to because the heading "summary" should be replace with ---abstract--- and "(page 3 for specification)" in line 8, of page 15 must be deleted. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by McHale et al U.S. Patent No 6,385,203 B2.

As per claims 1 and 7, McHale et al discloses an apparatus in a telecommunication system for providing access to telecommunication services to subscribers at user terminals (10, 20), each of which being separately connected to at least one access point (30, 60) via high speed modems (12, 22) and a communication network (24), the at least one access point (30, 60) comprising high speed modems, characterized in that: high speed modems (see fig.1 elements 30 and col.5, lines 12-25) associated with the user terminals (see fig.1 elements 22) are provided with a switching functionality (see fig.2 element 70 and col.5, lines 43-67 and col.8, lines 48-67); a second high speed modems (see fig.2 element 74) at station side (see fig.1 element 14) of the communication network are provided with a switching functionality (see fig.2 element 70 and col.5, lines 43-67 and col.8, lines 48-67); and a control means (see fig.2 element 80) is adapted to switch transmission paths of established connections between user terminals (see fig.1 elements 22) and the at least one access point if necessary, so as to guarantee at least one connection.

As per claim 2, McHale et al does teach an access means is provided with a second modem enabling initial installation with a control means (see fig.2 element 80) to monitor the installation and establish a connection (see col.6, lines 26-42 and col.23, lines 64-67).

As per claim 3, the control means (see fig.2 element 80) is adapted to retrieve subscriber information to individualize the established connection (see col.9, lines 1-40).

As per claim 8, McHale et al teaches all the claimed limitations (see claim 1 above)

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As per claims 9-10, McHale does teach a pool of filters connected to the station side (see fig.5 elements 170 and col.13, lines 42-43 and col.18, lines 16-19).

As per claim 11, McHale et al does teach a system controller (see col.25, lines 35-49) is functionally equivalent to the claimed (system management).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Raniere et al U.S. patent No 6,373,936 B1 teaches an intelligent switching system for voice and data.

Chong U.S. Patent No 6,434,221 B1 teaches a digital subscriber line access.

Shah et al U.S. Patent No 6,636,931 B2 teaches a system and method for switching signals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is 703 308-9573.

The examiner can normally be reached on Monday-Friday (7:Am-4:30PM) Alternate Friday off.

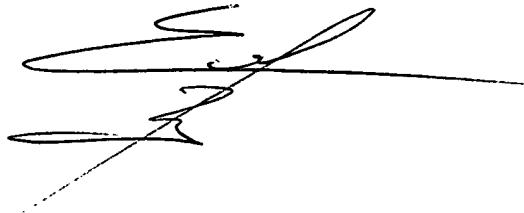
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour can be reached on 703 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Bayard  
Primary Examiner  
Art Unit 2631

Monday, April 12, 2004

A handwritten signature in black ink, appearing to be 'Emmanuel Bayard', written over a horizontal line.